

WILLMAR CITY COUNCIL PROCEEDINGS
COUNCIL CHAMBERS
WILLMAR MUNICIPAL UTILITIES BUILDING
WILLMAR, MINNESOTA

September 16, 2013
7:00 p.m.

The regular meeting of the Willmar City Council was called to order by the Honorable Mayor Frank Yanish. Members present on a roll call were Mayor Yanish, Council Members Denis Anderson, Ron Christianson, Steve Ahmann, Audrey Nelsen, Rick Fagerlie and Bruce DeBlieck; Present 7, Absent 2 – Council Members Jim Dokken and Tim Johnson were excused from the meeting.

Also present were City Administrator Charlene Stevens, Police Chief David Wyffels, Finance Director Steve Okins, Community Education and Recreation Director Steve Brisendine, Planning and Development Services Director Bruce Peterson, City Attorney Robert Scott, and City Clerk Kevin Halliday.

The Council requested that the City Council Minutes of September 3, 2013, be removed from the Consent Agenda.

Council Member Christianson offered a motion adopting the Consent Agenda which included the following: City Council Work Session Minutes of September 9, Municipal Utilities Commission Minutes of September 9, Planning Commission Minutes of September 11, Accounts Payable Report through September 11, Building Inspection Report for August, and Community/Activity Center Council Minutes of September 3, 2013. Council Member Anderson seconded the motion, which carried.

Council Member Anderson noted a motion in the September 3, 2013, Council Minutes requiring Council approval of each \$10,000 and higher capital expenditure was premised on the discussion of the unwritten policy that items came to the Public Works/Safety Committee was not founded by his research and he was concerned that the misinformation may have led to a wrongful vote.

Council Member Anderson moved to reconsider the vote with Council Member Nelsen seconding the motion. Following a lengthy discussion, Council Member Anderson moved to close the debate. Council Member DeBlieck seconded the motion which resulted in an Ayes 3 and Noes 3 vote. Mayor Yanish cast the deciding "Yes" vote to end the debate. The motion to reconsider the vote resulted in an Ayes 3, Noes 3 vote. Mayor Yanish cast the deciding "No" vote. The Council Minutes of September 3, 2013, were approved and ordered placed on file in the City Clerk's Office upon motion by Council Member Anderson, seconded by Council Member Fagerlie, and carried.

Mayor Yanish acknowledged several individuals who had signed up to address the City Council during its scheduled Open Forum. Glen Negen spoke of the benefits of an indoor range and urged the City to do what is necessary to keep the range open. Eric Holien encouraged quick repair to support keeping business opportunities here. Bob Hogan stated he was a DNR Safety Instructor and kids must participate in shooting in order to obtain certificate. Stephen Deleski voiced concerns of closing down the gun range without notifying instructors.

The Finance Committee Report for September 9, 2013, was presented to the Mayor and Council by Council Member Anderson. There were five items for Council consideration.

Item No. 1 The Committee was informed by Staff that \$44,000 was budgeted under Professional Services for the Airport for 2013. There is an anticipated shortfall in that line item due to timing conflicts between adopting the 2013 budget and letting the contract for Eric's Aviation. There are also anticipated

expenditures for required engineering services through Bolton & Menk. It is being requested that \$50,000 be transferred from the Capital Improvements budget earmarked for Airport tiling to cover this shortfall.

The Committee was recommending the Council authorize the transfer of \$50,000 from the 2013 Capital Improvements Airport Budget to the Airport Professional Services Budget. Resolution No. 1 was introduced by Council Member Anderson, seconded by Council Member Fagerlie, reviewed by Mayor Yanish, and approved on a roll call vote of Ayes 6, Noes 0.

RESOLUTION NO. 1

BE IT RESOLVED by the City Council of the City of Willmar to authorize the Finance Director to amend the 2013 Airport Professional Services Budget to avert the anticipated shortfall as follows:

Increase:	2013 Airport Professional Services	\$50,000
Decrease:	2013 Capital Improvements/Airport Tiling	\$50,000

Dated this 16th day of September, 2013.

/s/ Frank Yanish
MAYOR

/s/ Kevin Halliday
Attest: CITY CLERK

Item No. 2 Staff presented to the Committee details regarding a parcel located within City limits forfeited to the State of Minnesota for non-payment of property taxes. The County has appraised the value of this property at \$3,000. Per Minnesota Statute 282.01, Kandiyohi County is requiring the City to either approve the parcel for public auction or request a conveyance to the City for public use. It was noted that this issue was discussed and tabled at the last Finance Committee meeting to enable Staff to research more information about this parcel. Council Member Anderson noted that County staff indicated the owner paid the County in full and that the matter was now closed.

Item No. 3 The Committee noted agenda items scheduled for September 23, 2013, include a presentation of the 2012 Audited Financial Statements, and discussion of Professional Services. Agenda items scheduled for September 30, 2013, include another Council Work Session to discuss Capital Improvements. This matter was for information only.

Item No. 4 There was no old business for the Committee to discuss.

Item No. 5 There was no new business for the Committee to discuss.

The Finance Committee Report for September 9, 2013, was approved as presented and ordered placed on file in the City Clerk's Office upon motion by Council Member Anderson, seconded by Council Member Fagerlie, and carried.

The Public Works/Safety Committee Report for September 10, 2013, was presented to the Mayor and Council by Council Member Christianson. There were five items for Council consideration.

Item No. 1 There were no public comments.

Item No. 2 The Committee was reminded by Staff that construction of a salt storage facility was approved and budgeted in the 2013 Capital Improvement Plan at an estimated cost of \$200,000.00. Bids were solicited for the structure with only one received from Greystone Construction Co. in the amount of \$183,450.00. A bituminous pad for placement of the structure shall also be constructed under a separate

contract. Staff is in the process of receiving quotes, and the project is estimated at \$14,250.00. The structure will be placed on the south end of the Public Works Complex and expected to be completed this fall

The Committee was recommending the Council accept the bid of Greystone Construction Co. in the amount of \$183,450.00 and authorize the Mayor and City Administrator to execute the contract documents. Resolution No. 2 was introduced by Council Member Christianson, seconded by Council Member Ahmann, reviewed by Mayor Yanish, and approved on a roll call vote of Ayes 6, Noes 0.

RESOLUTION NO. 2

BE IT RESOLVED by the City Council of the City of Willmar, a Municipal Corporation of the State of Minnesota, that the bid of Greystone Construction Company of Shakopee, Minnesota for construction of a Salt Storage Facility is accepted, and be it further resolved that the Mayor and City Administrator of the City of Willmar are hereby authorized to enter into an agreement with the bidder for the terms and consideration of the contract in the amount of \$183,450.00.

Dated this 16th day of September, 2013.

/s/ Frank Yanish
MAYOR

/s/ Kevin Halliday
Attest: CITY CLERK

Item No. 3 Staff informed the Committee that they have met with Bollig Inc., engineering consultant for the Lakeland Drive Interceptor/MinnWest Lift Station Project, to evaluate and prepare various alternatives to the scope of the Project. A portion of the sanitary sewer lines has been televised indicating it is in reasonably good condition, except for several obstructions proposed to be removed, along with some repair work. If that is successful, the line will not need to be replaced in its entirety, and an overlay of Lakeland Drive can be considered, thereby deferring the complete reconstruction. The alternative of striping the roadway to a three-lane with a center turn can be explored at that time.

The Committee was recommending the Council proceed with the remainder of the televising, and revise the scope of the project to Phasing Option 2 (without the limited roadway reconstruction) at an estimated cost of approximately \$4.8 million. Council Member Christianson moved to approve the recommendation of the Public Works/Safety Committee with Council Member Nelsen seconding the motion, which carried.

Item No. 4 Chief Wyffels reported the jail census at 102 and the report of calls for the last two weeks at 787.

The Committee received information from Staff and members of the Willmar Rifle and Pistol Club (WRPC) regarding HVAC modifications to the gun range in the lower level of the City Auditorium. The WRPC is volunteering their services to assist in lowering the cost of the improvements. The range is currently closed until the necessary cleaning and repairs can be made.

The Committee was recommending the Council proceed with a study to outline the necessary cleaning and bring the information back to Committee.

Council Member Christianson moved to proceed with a lead contaminate study and have the gun club come back after the study results are received. Council Member Anderson seconded the motion. Following discussion of the closing of the gun range, Council Member Christianson moved to amend his motion to allow the Willmar Rifle and Pistol Club to enter gun range and do their normal cleaning. Council Member Fagerlie seconded the motion.

Donovan Kuehl, President of the Willmar Rifle and Pistol Club, discussed the economic impact of the range. He offered his opinion on the ventilation repairs and offered the assistance of the Club to significantly reduce estimated repair costs. Mr. Kuehl noted a state statute that prohibited the closing of a gun range without proof that these problem areas exist.

City Attorney Scott stated he reviewed the law and he did not think the prohibition applied in this instance and he would defer to Staff's decision to close the range.

Council Member Nelsen voiced appreciation to the Club's intent to assist with required improvements but cautioned the Council on liability issues and stated her desire to follow Staff's recommendations.

Donovan Kuehl reiterated there are no complaints, no sicknesses reported. He further stated the Club has an agreement with the City which calls for cleaning the gun range and the club is prohibited from doing so. He was asking to have the lock removed immediately.

Council Member DeBlieck stressed that the gun range will not be open until the study is done.

Council Member Christianson questioned why he was not told about the closure and locking the doors and inquired as to who closed the gun range.

City Administrator Stevens explained that Fire Chief Hendrickson was working with SafeAssure on our property review when the ventilation issue was discovered. Staff quickly brought in Chappell Central and in their opinion the issues weren't going to be immediately repaired. Staff made the decision to close the gun range temporarily until they understood the ventilation repair needs and the lead dust testing was completed.

Upon roll call, the motion resulted in a roll call vote of Ayes 3, Noes 3 – Council Members Anderson, Nelsen and DeBlieck voted "No." Mayor Yanish chose to delay his vote and the City Clerk announced the vote failed without a majority.

Council Member Christianson inquired as to the time period when the Mayor could change his vote and said he didn't think the Mayor understood the motion. Council Member Nelsen objected saying Council Member Christianson was again trying to cue the Mayor, which she said was "totally inappropriate."

City Clerk Halliday stated that "changing a vote" is controlled by the Standard Code of Parliamentary Procedure and he would need additional time to review the procedure.

Mayor Yanish called for a recess at 8:26 p.m. and reconvened the meeting at 8:33 p.m.

City Clerk Halliday read the procedure detailing the rule on "Changing a Vote" which allows members to change their votes up to the time that the result of the vote is finally announced. Clerk Halliday noted the announcement was given and the vote is final. He noted the next option should be a motion to reconsider the failed amendment.

Council Member Christianson moved to reconsider the amending motion that failed on a tie vote allowing the Willmar Rifle and Pistol Club to enter the gun range to clean. Council Member Ahmann seconded the motion which resulted in roll call vote of Ayes 3, Noes 3 – Council Members Anderson, Nelsen and DeBlieck voted "No." Mayor Yanish casting the deciding "Yes" vote and the motion to reconsider carried.

Council Member Christianson moved to amend the main motion allowing the Willmar Rifle and Pistol Club to enter the range for contractual cleaning. Council Member Ahmann seconded the motion.

Council Member DeBlieck moved to close the City Auditorium with Council Member Nelsen seconding the motion. City Clerk Halliday informed the Mayor that the amendment was not germane to the amendment on the floor and therefore it is out of order and needs to be considered at a later time. The vote on the

amending motion resulted in roll call vote of Ayes 3, Noes 3 – Council Members Anderson, Nelsen and DeBlieck voted “No.” Mayor Yanish casting the deciding “Yes” vote and the motion carried.

The main motion as amended was called which resulted in a roll call vote of Ayes 3, Noes 3 – Council Members Anderson, Nelsen and DeBlieck voting “No.” Mayor Yanish cast the deciding “Yes” vote and the motion carried.

Council Member Nelsen moved to close the City Auditorium until the study is completed. Council Member DeBlieck seconded the motion which resulted in a roll call vote of Ayes 3, Noes 3 – Council Member Christianson, Ahmann and Fagerlie voted “No.” Mayor Yanish cast the deciding “No” vote and the motion failed.

Item No. 5 Council Member Ahmann conveyed the need to prioritize items within the Capital Improvement Program, railway crossings reconstructed into quite zones, and questioned the inclusion of Downtown Gateways in the CIP. This matter was for information only.

The Public Works/Safety Committee Minutes for September 10, 2013, was approved as presented and ordered placed on file in the City Clerk’s Office upon motion by Council Member Christianson, seconded by Council Member Ahmann, and carried, Council Member DeBlieck voted “No.”

The Community Development Committee Report for September 12, 2013, was presented to the Mayor and Council by Council Member Fagerlie. There were five items for Council consideration.

Item No. 1 Clint Schwitters, rental property owner, appeared before the Committee to complain about citations he received for violations of the exterior storage and rental ordinances. Most of his concerns were addressed by Staff and the Committee. Many of the issues raised were related to tenant behavior and were ultimately the responsibility of the property owner. This matter was for information only.

Item No. 2 Mary Lou Arne, appeared before the Committee to present an idea to create neighborhood improvement groups to oversee exterior property conditions in the City. Her primary concern was the downtown area and City core, but the concept could be implemented City-wide, and suggested that neighborhood groups could select leaders, who could distribute pamphlets outlining issues and expectations for property maintenance. The contacts made as part of the program would encourage communication among neighbors and would direct property owners to maintain their properties, thereby reducing the enforcement burden on City staff.

The Committee thought the idea had merit, and Mrs. Arne asked them to take the lead in creating a structure within which such neighborhood groups could operate. This matter was for information only.

Item No. 3 Staff informed the Committee that, with the additional expansion to the Industrial Park planned for 2014, a program for land pricing was being developed. Initially, the market is being analyzed to determine a starting point for pricing. The pricing system to be proposed by Staff will include a process to write down the price of land based on tax base enhancement, job creation, and the provision of community benefits by property purchasers.

Steve Renquist, EDC Director, presented information from several other states that showed the impact of job creation on the local economy. Another handout dealt with economic multipliers and their use in economic development planning. This matter was for information only.

Item No. 4 As requested by Council Member DeBlieck, the Committee reviewed past Council action relative to activities at the fairgrounds. Past noise issues have primarily come from automobile racing and, to a lesser extent, from snowmobile racing. The most recent complaints about noise were the result of a concert that was held at the fairgrounds in late August. Prior to the next racing season, Fair Board representatives will be invited to a Community Development meeting to discuss the noise issue once again. This matter was for information only.

Item No. 5 The "Going Green" waste collection and recycling activities scheduled for September 14th were discussed by the Committee. Staff reminded them that the City had contributed \$6,000 to the effort. Past collection efforts have been very successful and have benefited the City by reducing the accumulation of unlawful products in residential areas, and by offering the citizens a low cost means of disposal for electronic items, appliances, metals, and hazardous materials. This matter was for information only.

The Community Committee Report for September 12, 2013, was approved as presented and ordered placed on file in the City Clerk's Office upon motion by Council Member Fagerlie, seconded by Council Member Ahmann, and carried.

City Clerk Halliday presented to the Mayor and Council a list of property owners who have made application for agricultural land exemptions and met the criteria in the City's Assessment Policy. Following discussion, Resolution No. 3 was introduced by Council Member Anderson, seconded by Council Member Ahmann, reviewed by Mayor Yanish, and approved on a roll call vote of Ayes 6, Noes 0.

RESOLUTION NO. 3

WHEREAS, the City Council of the City of Willmar, Minnesota, did order the installation of certain street and other improvements made under Projects No. 0501, 8606, 9301 and 9101, and certain sewer and water main improvements made under Projects No. 9701, 9303, 9202, 9002, and 7402.

WHEREAS, Section W of the City of Willmar Comprehensive Assessment Policy allows the City to temporarily exempt from assessments certain lands currently used for agriculture purposes; and

WHEREAS, certain property owners have made application to the City for delayed payment of taxes on special assessments and have met the criteria contained in the Comprehensive Assessment Policy for said deferment;

NOW, THEREFORE, BE IT RESOLVED by the Willmar City Council that special assessments as hereinafter designated be certified to the County and deferred until such property is developed or upon approval of the final plat, and that no interest be charged until such time.

BE IT FURTHER RESOLVED that upon development or plat approval that tapping fee shall be based on the project year bid price per front foot or unit, or on the current year costs at the time of connection/platting, whichever is greater (complete list on file in the City Clerk's Office).

Dated this 16th day of September, 2013.

/s/ Frank Yanish
MAYOR

/s/ Kevin Halliday
Attest: CITY CLERK

Council Member Ahmann requested an electronic copy of the Willmar Rifle and Pistol Club Agreement be remitted to each elected official.

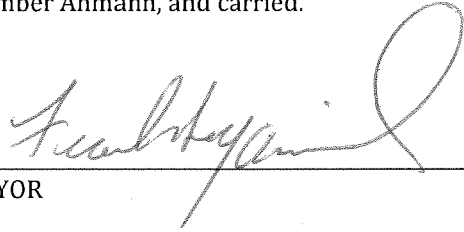
The Council noted the volunteer service recently conducted and directed Staff that letters of appreciation be sent to Bethel, Vinje, Calvary and Paz y Esperanza Churches, thanking them for their participation in the ELCA Day of Service.

Announcements for Council Committee meeting dates were as follows: Labor Relations, September 17; Finance, September 23; and Finance Work Session, September 30, 2013.

There being no further business to come before the Council, the meeting adjourned at 9:06 p.m. upon motion by Council Member Anderson, seconded by Council Member Ahmann, and carried.

Attest:

MAYOR



SECRETARY TO THE COUNCIL